

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARGO ON DEMAND, INC.,

Plaintiff,
-against-

22 CIVIL 10243 (JMF)

JUDGMENT

POLAR AIR CARGO WORLDWIDE, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated August 29, 2023, and the Court's Opinion and Order dated July 11, 2023, this Court granted Defendant's motion to dismiss. ECF No. 21. The Court declined to exercise supplemental jurisdiction over Plaintiff's state-law claims pursuant to 28 U.S.C. § 1337(c) and gave Plaintiff an opportunity to amend the complaint. Id. at 17-18. On August 4, 2023, Plaintiff moved to stay this case pending resolution of related criminal proceedings. ECF No. 22. On August 21, 2023, this Court denied that motion. ECF No. 28. Plaintiff now "believes that the most prudent course of action at this time is to focus on pursuing its remaining state law claims in state court, rather than attempting to amend its RICO claims and "therefore respectfully requests that the Court issue a final Order dismissing claims III through VIII in its Complaint pursuant to 28 U.S.C. § 1337(c) and without prejudice to refiling them in state court." ECF No. 29. See ECF No. 21 at 17. Because Plaintiff has elected not to amend the complaint, judgment is entered in favor of Defendant. For the avoidance of doubt, as explained in the July 11, 2023 Opinion, Plaintiff's state-law claims are dismissed without prejudice to refiling them in state court; accordingly, the case is closed.

Dated: New York, New York

August 30, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk